

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNA ANGIE LEUNG,

Plaintiff,

-v-

No. 17-CV-2703-LTS-AJP

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

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ORDER

Pro Se Plaintiff Una Angie Leung (“Plaintiff”) filed a complaint pursuant to section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), challenging the final decision of the Commissioner of Social Security to deny her application for Supplemental Security Income (“SSI”) and Disability Insurance Benefits (“DIB”). (“Complaint,” Docket Entry No. 2.) Pursuant to Federal Rule of Civil Procedure 12(c), the Commissioner subsequently moved for judgment on the pleadings. (Docket Entry No. 15.) On November 30, 2017, Magistrate Judge Andrew J. Peck issued a Report and Recommendation (the “Report,” Docket Entry No. 17) recommending that the Defendant’s motion be granted and that the Complaint be dismissed in its entirety. No objections to the Report have been filed by either party.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1) (C) (LexisNexis 2016). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself

that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted).

Having reviewed Magistrate Judge Peck’s thorough and well-reasoned Report, to which no objection has been made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, Plaintiff’s Complaint is dismissed. The Clerk of Court is directed to enter judgment accordingly and close this case. This Order resolves Docket Entry No. 15.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York
January 22, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

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